

Notic of Allowability	Application No.	Applicant(s)	
	09/720,358	LLOYD, CHRISTOPHER J.	
	Examiner	Art Unit	
	Gordon J Stock	2877	<i>AW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to correspondence filed 5/7/04.
2. ☒ The allowed claim(s) is/are 2-15 and 18.
3. ☒ The drawings filed on 3 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Allowable Subject Matter

1. **Claims 2-15 and 18** are allowed.

2. The following is an examiner's statement of reasons for allowance:

As to **claim 2**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for assessing the characteristic response of a medium to an excitation transient of predetermined duration "the interval between the excitation transient and the emission of each signal is plotted against the interval between each signal and the preceding signal in the series, a curve is fitted to the plot, the position of a minimum value of the interval between successive signals are represented by the curve is determined, and the interval between the excitation transient and the minimum is determined to provide a measure of the characteristic response of the medium," in combination with the rest of the limitations of **claims 2-14**.

As to **claim 15**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in an apparatus for carrying out a method of assessing the characteristic response of a medium to an excitation transient of predetermined duration "means for determining position of the minimum value of the interval between successive signals as represented by the curve, and means for determining the interval between the excitation and the minimum to provide a measure of the characteristic response of the medium," in combination with the rest of the limitations of **claim 15**.

As to **claim 18**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for assessing the characteristic response of a medium to an excitation transient of predetermined duration "the interval between the excitation transient and the emission of each photon is plotted against the interval between each photon and the preceding

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photon in the series, a curve is fitted to the plot, the position of a minimum value of the interval between successive photons are represented by the curve is determined, and the interval between the excitation transient and the minimum is determined to provide a measure of the characteristic response of the medium,” in combination with the rest of the limitations of **claim 18**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Response to Arguments

3. Applicant’s arguments, see Remarks, filed May 7, 2004, with respect to claim 18 have been fully considered and are persuasive. Because of the persuasiveness of the argument and upon the amending of the claim, the rejection under 35 U.S.C. 103(a) of claim 18 has been withdrawn.

In addition, due to the amendment of claims 2 and 15 previously objected to for depending upon a rejected base claim, the objections to claims 2 and 15 have been withdrawn. Due to claims 3-14 amendment to depend from claim 2, the rejections under 35 U.S.C. 103(a) have subsequently been withdrawn.

Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

1) Contain either a statement “DRAFT” or “PROPOSED AMENDMENT” on the fax cover sheet; and

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2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (703) 872-9306

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (571) 272-2431.

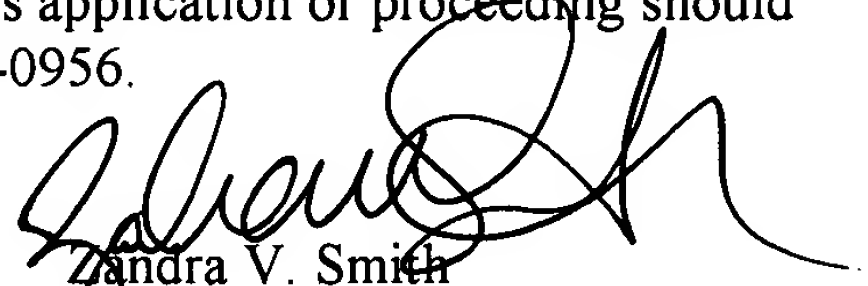
The examiner can normally be reached on Monday-Friday, 10:00 a.m. - 6:30 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



gs

May 21, 2004


Zandra V. Smith
Primary Examiner
Art Unit 2877